
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 25 FEBRUARY 2015 COMMENCING AT 5.00PM

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L R Y Nayna, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Communications Co-ordinator, IT Infrastructure Administrator and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.02 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.5, 2.1, 3.4, 3.5, 3.6, 3.7, 4.3, 4.4, 4.5, 4.7, 4.9, 5.1 and 5.2 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

Item 2.1 - CPA/222145 - Construction - Mannering Park RFS Station Upgrade

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the RFS and aware of the history of the station. Councillor Troy left the chamber at 5.23 pm, took no part in discussion, did not vote and returned to the chamber at 5.26 pm.

Item 3.4 - Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family members are the landholders. Councillor Eaton left the chamber at 5.26 pm, took no part in discussion, did not vote and returned to the chamber at 6.24 pm.

Item 3.5 - Fire Safety Report from Fire and Rescue NSW - 2 Burns Road, Ourimbah

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that perception of his family having an interest in the property. Councillor Eaton left the chamber at 5.26 pm, took no part in discussion, did not vote and returned to the chamber at 6.24 pm.

Item 3.7 - Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has relatives that live near the Buff Point oval. Councillor Vincent left the chamber at 6.31 pm, took no part in discussion, did not vote and returned to the chamber at 6.45 pm.

Item 4.3 - Mannering Park RFS Station Upgrade Options Report

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the RFS and aware of the history of the station. Councillor Troy left the chamber at 5.23 pm, took no part in discussion, did not vote and returned to the chamber at 5.26 pm.

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TAYLOR:

119/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:

120/15 That Council allow meeting practice to be varied.

121/15 That Council use the exception method to deal with the balance of the Agenda.

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

122/15 That, with the exception of report numbers 1.5, 2.1, 3.4, 3.5, 3.6, 3.7, 4.3, 4.4, 4.5, 4.7, 4.9, 5.1 and 5.2, Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

123/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

124/15 That Council receive the report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

125/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 February 2015.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

POINT OF ORDER

Councillor Best raised a point of order against Councillor Vincent for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Vincent.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:

126/15 That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2)(d)(i) of the Local Government Act 1993:

5.1 Facility Agreement – Borrowing for LIRS Projects

127/15 That Council note its reason for considering Report No 5.1 Facility Agreement – Borrowing for LIRS Projects as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

128/15 That Council request the General Manager to report on this matter in open session of Council.

PROCEDURAL MOTION

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

- 129/15 That Council allow meeting practice to be varied.
- 130/15 That Council consider item 2.1, CPA/222145 - Construction - Mannering Park RFS Station Upgrade, in conjunction with item 4.3, Mannering Park RFS Station Upgrade Options Report.

2.1 CPA/222145 - Construction - Mannering Park RFS Station Upgrade

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the RFS and aware of the history of the station. Councillor Troy left the chamber at 5.23 pm, took no part in discussion, did not vote and returned to the chamber at 5.26 pm.

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor NAYNA:

- 131/15 That Council resolve to accept no tenders as all of the tendered prices exceed the available budget.
- 132/15 That Council resolve to enter into negotiations with the preferred tenderer to reduce the scope of the work to meet the available budget.
- 133/15 That Council authorise the General Manager to carry out those negotiations in item 2 and to agree to a contract that meets those requirements.
- 134/15 That Council request the General Manager report on the outcome of these negotiations.
- 135/15 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

3.1 Proposed Road Renaming - Forrest Oak Road, Woongarra

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

- 136/15 That Council endorse the gazettal of the current spelling of the road name Forrest Oak Road, Woongarra.
- 137/15 That Council request the General Manager to provide written notification to public authorities and to affected property owners of the decision to gazette the road name, Forrest Oak Road, Woongarra, in accordance with the requirements of the Roads Regulation 2008.

3.2 Contract Variations and Finalisation for the period covering September 2014 to December 2014

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

- 138/15 That Council receive the Contract Variations and Finalisation report for the period covering September to December 2014.**
- 139/15 That Council note the additional expenditure above resolved estimates for the following contracts that have been approved under relevant delegated authorities of staff:**

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Central Coast Pumps & Pipes Panel Work Package W01 - Design of Upgrades to Five Sewer Pump Stations	CPA/218854	\$593,902.00	\$13,152.00
Asphaltic Heavy Patching Works	CPA/200744	\$6,359,672.94	\$1,350,000.00

- 140/15 That Council approve the additional expenditures requested and increase the resolved contract values accordingly.**

3.3 Councillor Attendance - LGNSW Social Media Session

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

- 141/15 That Council authorise the attendance of interested Councillors at the LGNSW Social Media session in accordance with the Council's Facilities and Expenses Policy for Councillors.**
- 142/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

3.4 Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family members are the landholders. Councillor Eaton left the chamber at 5.26 pm, took no part in discussion, did not vote and returned to the chamber at 6.24 pm.

Councillor Eaton vacated the chair and Councillor Webster assumed the Chair for consideration of this item.

Councillor Greenwald left the meeting at 6.05 pm and returned at 6.06 pm, during consideration of this item.

It was MOVED on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:

- 1 *That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.*
- 2 *That Council direct the General Manager to write to FRNSW and inform them that Council will exercise its powers under Section 121(b), Environmental Planning and Assessment Act as Council is the appropriate regulatory authority in this matter.*

An AMENDMENT was MOVED by Councillor NAYNA and seconded by Councillor BEST:

- 1 *That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.*
- 2 *That Council direct the General Manager to write to the FRNSW and inform them that Council will not exercise its powers under S121B, as FRNSW is the expert authority in firefighting requirements.*

The AMENDMENT was put to the vote and declared CARRIED.

FOR: COUNCILLORS BEST, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

The AMENDMENT became the MOTION.

At this point in the meeting being 6.15 pm, Councillor Matthews left the meeting and did not return.

POINT OF ORDER

Councillor Vincent raised a point of order against Councillor Best for the reason that he objected to accusations made against Councillor Graham.

The Deputy Mayor upheld the point of order and asked Councillor Best to withdraw his comments.

Councillor Best refused to withdraw his comments.

POINT OF ORDER

Councillor Graham called a point of order against Councillor Best for the reason that Councillor Best has made accusations against him and asked that his comments be withdrawn.

The Deputy Mayor upheld the point of order and asked Councillor Best to withdraw his comments.

Councillor Best withdrew his comments.

RESOLVED on the motion of Councillor NAYNA and seconded by Councillor BEST:

143/15 That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 464 Ruttleys Road, Mannering Park (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.

144/15 That Council direct the General Manager to write to the FRNSW and inform them that Council will not exercise its powers under S121B, as FRNSW is the expert authority in firefighting requirements.

FOR: COUNCILLORS BEST, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

3.5 Fire Safety Report from Fire and Rescue NSW - 2 Burns Road, Ourimbah

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that perception of his family having an interest in the property. Councillor Eaton left the chamber at 5.26 pm, took no part in discussion, did not vote and returned to the chamber at 6.24 pm.

Councillor Eaton vacated the chair and Councillor Webster assumed the Chair for consideration of this item.

It was MOVED on the motion of Councillor NAYNA and seconded by Councillor BEST:

1 That Council note that the content of the Fire Safety Report from Fire and Rescue NSW - 2 Burns Road, Ourimbah (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.

2 That Council direct the General Manager to write to the FRNSW and inform the following;

- Council staff will investigate matters 1, 3 and 4 of the Fire Safety report dated 23 January 2015 and exercise its powers under s121B if warranted
- Council will not exercise its powers in relation to matter 2 of the Fire Safety report dated 23 January 2015 as FRNSW are the expert authority in firefighting equipment.

PROCEDURAL MOTION

RESOLVED on the motion of Councillor BEST and seconded by Councillor NAYNA:

145/15 That the motion be put.

FOR: COUNCILLORS BEST, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

RESOLVED on the motion of Councillor NAYNA and seconded by Councillor BEST:

146/15 That Council note that the content of the Fire Safety Report from Fire and Rescue NSW - 2 Burns Road, Ourimbah (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.

147/15 That Council direct the General Manager to write to the FRNSW and inform the following;

- **Council staff will investigate matters 1, 3 and 4 of the Fire Safety report dated 23 January 2015 and exercise its powers under s121B if warranted**
- **Council will not exercise its powers in relation to matter 2 of the Fire Safety report dated 23 January 2015 as FRNSW are the expert authority in firefighting equipment.**

FOR: COUNCILLORS BEST, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

Councillor Eaton resumed the chair.

3.6 2014-18 Strategic Plan Business Report (Q2)

Councillor Vincent left the meeting at 6.24 pm and returned at 6.25 pm ,during consideration of this item.

Councillor Greenwald left the meeting at 6.26 pm and returned at 6.27 pm ,during consideration of this item.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TROY:

148/15 That Council receive the Q2 Business Report on progress against the 2014-18 Strategic Plan.

149/15 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

150/15 That Council approve the proposed budget amendments for 2014/15.

3.7 Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has relatives that live near the Buff Point oval. Councillor Vincent left the chamber at 6.31 pm, took no part in discussion, did not vote and returned to the chamber at 6.45 pm.

Councillor Troy left the meeting at 6.38 pm and returned at 6.39 pm ,during consideration of this item.

RESOLVED on the motion of Councillor EATON and seconded by Councillor NAYNA:

151/15 That Council defer this matter pending consideration by Council of concept plans for possible affordable seniors accommodation on this site.

152/15 That Council reaffirm that this matter will not progress without extensive community consultation.

FOR: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLOR GREENWALD

4.1 Quarterly Update on EP & A and LGA Developer Contributions

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

153/15 That Council receive the report on Quarterly Update on EP & A and LGA Developer Contributions.

4.2 Investment Report for January 2015

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

154/15 That Council receive the Investment Report for January 2015.

4.3 Mannering Park RFS Station Upgrade Options Report

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the RFS and aware of the history of the station. Councillor Troy left the chamber at 5.23 pm, took no part in discussion, did not vote and returned to the chamber at 5.26 pm.

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

155/15 That Council receive the report on the Mannering Park RFS Station Upgrade Options.

4.4 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 5 February 2015

Councillor Best left the meeting at 7.00 pm and returned at 7.01 pm, during consideration of this item.

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor TAYLOR:

156/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 February 2015.

4.5 Draft Minutes of the Employment and Economic Development Committee Meeting - 4 February 2015

RESOLVED on the motion of Councillor EATON and seconded by Councillor WEBSTER:

157/15 That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting - 4 February 2015.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLOR VINCENT

4.6 Draft Minutes of the Audit & Risk Committee Meeting - 4 February 2015

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

158/15 That Council receive the report on Draft Minutes of the Audit & Risk Committee Meeting - 4 February 2015.

4.7 Activities of the Development and Rezoning and Building Certification Compliance and Health Units

Councillor Vincent left the meeting at 7.12 pm, returned at 7.13 pm and as a result took no part in voting on this item.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor WEBSTER:

159/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of January 2015.

4.8 Works in Progress - Water Supply and Sewerage

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

160/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.

4.9 Results of Water Quality Testing for Beaches and Lake Swimming Locations

Councillor Vincent left the meeting at 7.12 pm and returned at 7.13 pm, during consideration of this item.

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor TAYLOR:

161/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

4.10 Outstanding Questions on Notice and Notices of Motion

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

162/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

5.1 Notice of Motion - Jobs Priority 1

Councillor Greenwald left the meeting at 7.36 pm and returned at 7.37 pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor WEBSTER:

163/15 That Council note with concern the consistently high and above state average unemployment rate in Wyong Shire and even worse rate of youth unemployment.

164/15 That Council endorse Job Generation as a priority concern for Council.

165/15 That Council request the General Manager to provide a monthly report to Council which includes:

- a the number of jobs to be created by development applications, approvals, rezoning applications and approvals**
- b the number of jobs to be created from council projects, including but not limited to, infrastructure and recreational projects and other government projects**

- c *the figures presented as 'monthly' and 'year to date' and compared against targets contained in the draft Central Coast Regional Strategy 2006-31.*

166/15 *That Council consult with the public via its existing mechanisms to facilitate community involvement in generating additional local jobs.*

5.2 Notice of Motion - Wyong Road Landscaping Shambles

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TAYLOR:

167/15 *That Council note with great concern the current, extremely poor condition of the landscaping of the median and roundabouts along the Shire's premier road corridor, Wyong Road.*

168/15 *That Council note that Wyong Road is a State Road for which the NSW Roads and Maritime Service (RMS) has full management and financial responsibility under the Roads Act 1993.*

169/15 *That Council call on the RMS to consider the safety, value and impact on the community of not providing for sufficient vegetation maintenance, and to provide adequate funding to maintain the landscaping for the full length of the Wyong Road corridor in keeping with community expectations.*

170/15 *That Council request the General Manager to report on initiatives that it may consider with this road issue and indeed all roads under the Road Management Council Contracts*

Confidential item 6.1 was resolved via the exception method during open session. The General Manager reported on this item as follows:

6.1 Facility Agreement - Borrowing for Local Government Infrastructure Renewal Scheme (LIRS) Projects

171/15 *That Council accept the offer of loan borrowings, as dated 21 January 2015, for an amount of \$5,900,000 for a nine years and nine month (9yrs and 9mths) term, based on a quarterly amortisation table, from Australia New Zealand Banking Group in accordance with the 2014-15 borrowings Programme.*

172/15 *That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and Australia New Zealand Banking Group.*

173/15 *That Council authorise the Common Seal to be affixed to the executed Facility Agreement between the Wyong Shire Council and Australian New Zealand Banking Group.*

QUESTIONS ON NOTICE

Q8/15 Better Futures Hub
Councillor Adam Troy
DA/675/2013

“Mr Mayor,

Further to the Council briefing, and substantial funding contributions from both the Federal Government and Council, I would appreciate an update as to the performance and outcomes with regard to the operations of the Better Futures Hub, situated at North Wyong.

Could you please have this report benchmark performances against the briefing criteria?”

Q9/15 Activities of the Development Unit
Councillor Greg Best
F2004/07830

“Mr Mayor

Further to the staff report item 4.7, activities of the development unit, could you please pass on my, and indeed I believe Council’s, appreciation for the recent outcomes of this department that have resulted in Wyong Council being recognised as the most efficient DA processing council in the Sydney region?

Further I note, this had been achieved with the least amount of resources against the largest amount of applications, in my view an outstanding achievement and worthy of our thanks.”

Q10/15 Request for Information on Complaints Received by Council
Councillor Greg Best
C2015/05332

“Mr Mayor,

I fully appreciate the right of the community to raise issues or make a suitable representation/ complaint, however, I understand that a few individuals appear to be coming serial complainants , that is costing the Ratepayers hundreds of thousands of dollar in council & Staff time.

To better understand the magnitude of this issue, could you provide Council with the number & title of complaints received from the three most prolific complainants over just the past 12 months?

Again I full appreciate their rights to voice issue however on behalf of the ratepayers purse I would like to better understand how we can assist them while saving the Ratepayer substantial funds.”

THE MEETING closed at 7.51 pm.